

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Sheet 11 of 11

Complete if Known

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-Z-US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
1	US 6,962,696	11-08-2005	Bermudes, et al.		
2	US 6,955,953	10-18-2005	Yamazaki, et al.		
3	US 6,605,286	08-12-2003	Steidler, et al.		
4	US 6,150,170	11-21-2000	Powell, et al.		
5	US 2004-0229338 A1	11-18-2004	King, et al.		
6	US 2005-0249706 A1	11-10-2005	Bermudes, et al.		
7	US 11/627,743	01-26-2007	King, et al.		
8	US 08/486,422	06-07-1995	Pawelek, et al.		
9	US 10/723,570	11-24-2006	Pawelek, et al.		
10	US 11/117,085	04-28-2005	Bermudes, et al.		
11	US 11/064,533	02-23-2005	Bermudes, et al.		
12	US 11/082,544	03-17-2005	Bermudes, et al.		
13	US 09/724,390	11-28-2000	Bermudes, et al.		
US					

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document ²	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	1 ³
		Country Code ⁴ Number ⁵ Kind Code ⁶ (if known)				
14	EP 0833660	12-20-2006	Yale University, et al.			
15	EP 1012232	06-28-2000	Viiv Pharmaceuticals, Inc., et al.			
16	WO/1995/009655	04-13-1995	The Government of the United States of America, et al.			
17	WO/2001/025397	12-04-2001	Viiv Pharmaceuticals, Inc., et al.			
18	WO/1992/015689	09-17-1992	Charles, et al.			
19	AU 719446	08-24-2000	Yale University, et al.			

Examiner Signature

/Q. Janice Li/ (03/10/2009)

Date

Considered

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Substitute for form 1449(PTO)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice LI
Attorney Docket Number	872-711S

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

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	20	AU 783714	03-23-2006	VION Pharmaceuticals, Inc., et al.		
	21	AU 749695	07-04-2002	VION Pharmaceuticals, Inc. et al.		
	22	CN ZL98196140.6	02-18-2004	Yale University, et al.		
	23	CN ZL98811030.X	04-26-2006	VION Pharmaceuticals, Inc. et al.		
	24	HK 1017253	07-30-2004	Yale University, et al.		
	25	HK 1033956	11-17-2006	VION Pharmaceuticals,		

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	872-7.IIS

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Case No.	Foreign Patent Document Country Code* Number* Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	Examiner's Remarks/Document	
						T ⁶	
	26	JP 3482213	10-10-2003	Yale University, et al.			
	27	KR 0435932	06-03-2004	Yale University, et al.			
	28	NZ 312341	09-08-1999	Yale University, et al.			
	29	NZ 503376	10-25-2002	ViON Pharmaceuticals, Inc., et al.			
	30	NZ 518354	02-25-2002	ViON Pharmaceuticals, Inc., et al.			
	31	SG 51176	12-07-1998	Yale University, et al.			

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I/O_Janice Li/(03/10/2009)

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EXAMINER: Initial reference considered, whether or not claimed is in conformance with MPEP 600. Draw line through citation if not in conformance and not considered. Include a list of line items with the documentation as applied. ¹ Applicant's response claimed distinguishes previous application. ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 601.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ³ Applicant is to place a check mark here if English language Translation is attached.

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of 11

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Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-7-11S

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENT					
Examiner Initials*	Cite No.	Foreign Patent Document Country Code*, Number*, Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear T-3
	32	SG 71486	04-30-2004	VION Pharmaceuticals, Inc., et al	
	33	ZA 98/8289	05-26-1999	VION Pharmaceuticals, Inc., et al.	
	34	EP 1261369	12-04-2002	Vion Pharmaceuticals, Inc., et al.	
	35	BR 9609016-2	06-05-1996	Yale University, et al.	
	36	BR 9812079-4	03-10-2000	VION Pharmaceuticals, Inc., et al.	
	37	BR 0014491-6	04-04-2002	VION Pharmaceuticals,	

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⁶EXAMINER: Initial a reference considered, whether or not citation is in conformance with MPEP 609. Draw a through citation if not in conformance and not considered. Include copy of the claim with redaction or cancellation if applicable. ⁷Applicant's unique identifier, designation, *ex-000000000000*. See "Use of Code" in USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁸Enter Office that issued the document, by the two-letter code (WIPO ST.31). For Japanese patent documents the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁹Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 15 if possible. ¹⁰Applicant is to place a check mark here if English language Translation is attached. ¹¹This collection of information is required by 37 CFR 1.17 and 1.18. The information is requested to obtain or retain a beneficiary of the public which is to file and/or the USPTO to process an application. Confidentiality is governed by 35 USC, C.122 and 37 CFR 1.14. The collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 5 of 11

Complete if Known

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice LI
Attorney Docket Number	873-7-J1S

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initiatives*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	#
		Country Code* Number* Kind Code* (if known)				
38	CA 2,224,075		12-08-1997	Yale University, et al.		
39	CA 2,302,866		03-03-2000	VION Pharmaceuticals, Inc., et al.		
40	CA 2,386,465		04-02-2002	VION Pharmaceuticals, Inc., et al.		
41	CN 00816714.1		08-24-2000	VION Pharmaceuticals, Inc., et al.		
42	HK 03108220.2		11-12-2003	VION Pharmaceuticals, Inc., et al.		
43	IL 134936		07-03-2001	VION Pharmaceuticals,		

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/Q. Janice Li (03/10/2009)

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Substitute for form 1449/PTD

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Show

of 111

Complete if Known

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	A73-7-11S

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initiate*	Case No. ¹	Foreign Patent Document Country Code ² Number ³ Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
	44	IL 148933	03-27-2002	VION Pharmaceuticals, Inc., et al.	
	45	JP 2000-510842	03-10-2000	VION Pharmaceuticals, Inc., et al.	
	46	JP 2001-528552	04-04-2002	VION Pharmaceuticals, Inc., et al.	
	47	KR 7002535/2000	03-10-2000	VION Pharmaceuticals, Inc., et al.	
	48	KR 7004371/2002	04-04-2002	VION Pharmaceuticals, Inc., et al.	
	49	MX 979439	12-03-1997	Yale University, et al.	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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-6-111

Complete if Known

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice LI
Attorney Docket Number	873L7-11S

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

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Examiner Initials*	Cite No.	Foreign Patent Document Country Code* Number* Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
	50	MX 2000-002355	03-08-2000	VION Pharmaceuticals, Inc., et al.	
	51	MX 2002-003384	04-03-2002	VION Pharmaceuticals, Inc., et al.	
	52	SG 2002-01817-4	04-01-2002	VION Pharmaceuticals, Inc., et al.	
	83	JP 62-145026	06-29-1987	Advance KK	
	84	JP 06-298657	10-25-1994	Nippon Shoji KK	
	85	JP 01-180830	07-18-1989	Kayaku KK	

Examiner Signature	/Q. Janice Li/ (03/10/2009)	Date Considered
<p>¹EXAMINER: Initial reference considered, whether or not citation is in conformance with NPLP 603. Draw line through citation if not in conformance and not considered. Include copy of this form with final communication to applicant. ²Applicant's unique identifier, classification, and/or language. ³See Rkgs Code of USPTO Patent Document at uspto.gov or MPRE 901.04. ⁴Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.</p> <p>The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or derive a benefit by the public which is in the interest of the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.</p>		

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Attorney Docket Number	873-7-11S

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86	JP 63-101328		05-06-1998	Shionogi & Co.	

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Sheet	9	of	11
		Attorney Docket Number 873-Z-US	

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	53	Brazilian Examiner's Report for Yale University, Brazilian App'l No. PI-9609016-2, filed June 5, 1996, Dated July 18, 2006	
	54	Mexican Search Report for Yale University, Mexican App'l No. 979439, Filed December 3, 1997, Dated June 29, 2007	
	55	Israeli Office Action for Yale University, et al., Israeli App'l No. 134936, Filed July 3, 2000, Dated April 11, 2007	
	56	U.S. Office Action for Bermudes, et al., U.S. Serial No. 11/064,533, Filed February 23, 2005, Dated March 12, 2007	
	57	Bell, et al., 1990, "Molecular genetic analysis of an FNR-dependent anaerobically inducible Escherichia coli promoter," Molec. Microbiol. 4:1753-63	
	58	Clarke, S., 2001, "Diarrhoeagenic Escherichia coli – an emerging problem?" Diagnostic Microbiol. and Infect. Disease 41:93-98	
	59	Cunningham, C. and Nemunaitis, J., 2001, "Recombinant DNA advisory committee meeting, June 14-15, 2001: Protocols reviewed," Human Gene Therapy 12:1594-1596	
	60	Deonarain, et al., 1995, "Genetic delivery of enzymes for cancer therapy," Gene Therapy, Vol. 2, No. 4:235-244	
	61	Dinarello, et al., 1991, "Blocking IL-1:Interleukin-1 receptor antagonist in vivo and in vitro," Immunology Today 12(11):404-410	
	62	Fairweather, et al., 1990, "Use of live attenuated bacteria to stimulate immunity," Res. Microbiol. 141:769-773	

Examiner Signature	/Q. Janice Li/ (03/10/2009)	Date Considered
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			Filing Date	December 16, 2003	
			First Named Inventor	KING, et al.	
			Art Unit	1633	
			Examiner Name	Qian Janice Li	
Sheet	10	of	11	Attorney Docket Number	873-Z-US

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	63	Fairweather, et al., 1990, "Oral vaccination of mice against tetanus by use of a live attenuated <i>Salmonella</i> carrier," <i>Infect Immunity</i> , 58:1323-26	
	64	Galanos, et al., 1969, "A new method for the extraction of R. lipopolysaccharides," <i>European J. Biochem.</i> 9:245-249	
	65	Huber, et al., 1994, "Metabolism of 5-fluorocytosine to 5-fluorouracil in human colorectal tumor cells transduced with the cytosine deaminase gene: Significant antitumor effects when only a small percentage of tumor cells express cytosine deaminase," <i>Proc. Natl. Acad. Sci. USA</i> 91:8302-8306	
	66	Jain, et al., 2001, "Use of bacteria as anticancer agents," <i>Exp. Opin. Biol. Ther.</i> 1(2):291-300	
	67	Jayaraman, et al., 1988, "The <i>nirB</i> promoter of <i>Escherichia coli</i> : Location of nucleotide sequences essential for regulation by oxygen, the FNR protein and nitrite," <i>Molec. Microbiol.</i> 2:527-530	
	68	Littler, et al., 1992, "Human cytomegalovirus UL97 open reading frame encodes a protein that phosphorylates the antiviral nucleoside analogue ganciclovir," <i>Nature</i> 358:160-162	
	69	Low, et al., 1998, "Disruption of the <i>Salmonella</i> <i>msbB</i> gene suppresses virulence and TNF α induction yet retains tumor-targeting <i>in vivo</i> ," <i>Proceedings of the American Association for Cancer Research Annual Meeting</i> 39:60. XP001182904	
	70	Morrison, et al., 1994, "Current status of bacterial endotoxins," <i>ASM News</i> 60:479-484	
	71	Nemunaitis, et al., 2003, "Pilot trial of genetically modified, attenuated <i>Salmonella</i> expressing the <i>E. coli</i> cytosine deaminase gene in refractory cancer patients," <i>Cancer Gene Ther.</i> 10:737-44	
	72	Pawelok, et al., 1997, "Tumor-targeted <i>Salmonella</i> as a novel anti-Melanoma vector," <i>Melanoma Research, 4th World Conference on Melanoma</i> , Sydney, Australia, June 10-14, 1997, Vol. 7 (Suppl. 1)	

Examiner Signature	/Q. Janice Li/ (03/10/2009)	Date Considered
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Sheet

11

of

11

Application Number	10/738,423
Filing Date	December 16, 2003
First Named Inventor	KING, et al.
Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	873-Z-US

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

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73	Yu, et al., 2004, "Visualization of tumors and metastases in live animals with bacteria and vaccinia virus encoding light-emitting proteins," Nat. Biotechnol. 2004, Mar;22(3):313-20		
74	Sullivan, et al., 1992, "A protein kinase homologue controls phosphorylation of ganciclovir in human cytomegalovirus-infected cells," Nature 358:162-164		
75	U.S. Office Action for Bermudes et al., U.S. Serial No. 11/064,533, (Atty. Dkt. #871-BAA-US) Filed February 23, 2005, dated October 3, 2006		
76	U.S. Office Action for Bermudes et al., U.S. Serial No. 11/064,533, (Atty. Dkt. #871-BAA-US) Filed February 23, 2005, dated May 4, 2007		
77	Notice of Allowance and Fee(s) Due for Bermudes et al., U.S. Serial No. 11/064,533, (Atty. Dkt. #871-BAA-US) Filed February 23, 2005, dated August 1, 2007		
78	U.S. Office Action for Bermudes et al., U.S. Serial No. 11/117,085 (Atty. Dkt. #871-AZB-US) Filed April 28, 2005, dated July 5, 2007		
79	Vion Pharmaceuticals, Inc., et al., European Application No. 98 94 6891, September 9, 1998, "Genetically Modified Tumor-Targeted Bacteria with Reduced Virulence"		
80	European Communication for VION Pharmaceuticals, Inc., European Appl No. 98946891.3 (Atty. Dkt. #871-AB-PCT-EPO), Filed September 9, 1998, Dated April 10, 2007		
81	European Communication for VION Pharmaceuticals, Inc., European Appl No. 00 957 764.4 (Atty. Dkt. #873-PCT-EPO), Filed May 3, 2002, Dated October 26, 2006		
82	International Publication No. WO/1998/053854, March 12, 1998, The Research Foundation of State University of New York, et al., "Antigen Delivery System"		

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